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PROSECUTING NON-STATE ARMED GROUPS: LEGAL AMBIGUITY, JURISDICTIONAL GAPS, AND THE CASE FOR REFORM

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ABSTRACT

The proliferation of non-state armed groups and private military companies across African conflict zones has fundamentally altered the landscape of contemporary armed conflict. These actors now operate in roles that blur traditional legal categories under international humanitarian law and international criminal law. This paper examines the structural and legal challenges to prosecuting non-state actors, with particular attention to the ambiguous legal status of private military companies, the evidentiary obstacles posed by conflict zones, and the limitations of current international legal frameworks including the Rome Statute. It proposes pragmatic solutions including enhanced statistical frameworks for evidence gathering through the Strategy for the Harmonization of Statistics in Africa, the mandatory application of international codes of conduct through procurement mechanisms, and a renewed discussion on the scope of universal jurisdiction.

INTRODUCTION

The rise in non-state armed groups and their increased involvement in armed conflicts that threaten international peace and human rights has shifted the focus of international law from being state centric to non-state perpetrators. The challenge is compounded by jurisdictional limitations of international criminal tribunals, the difficulty of applying universal jurisdiction, and the absence of a clear legal framework for private military companies. This paper examines the challenges of prosecuting non-state actors under international law and provides solutions for reform, with particular emphasis on the ambiguous legal status of private military companies and the evidentiary obstacles posed by conflict zones.

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PART I: THE LEGAL STATUS OF PRIVATE MILITARY COMPANIES

A. Why Private Military Company Personnel Cannot Be Treated as Mercenaries

International humanitarian law defines a mercenary under Article 47 of Additional Protocol I to the Geneva Conventions as any person who:

(a) is specially recruited locally or abroad in order to fight in an armed conflict;
(b) does, in fact, take a direct part in the hostilities;
(c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
(d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
(e) is not a member of the armed forces of a Party to the conflict; and
(f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces. [^1]

The mercenary conventions of the African Union and the United Nations essentially reiterate this definition while adding that even the attempt to participate in hostilities constitutes an offense, and that recruitment, use, financing, or training of mercenaries is criminal. [^2]

However, this legal definition is too narrow. Many private military company personnel are hired for "security," "training," "escort," or "protection" rather than expressly "to fight," even though those tasks may slide into combat in practice. Additionally, many contractors are nationals of a party to the conflict or are local hires, which excludes them from the mercenary definition even when they perform dangerous armed functions. [^3] The practical consequence is that private military company personnel engaged in hostile acts fall into a legal void—neither subject to mercenary prohibitions nor entitled to combatant privileges.

B. Why Private Military Company Personnel Cannot Be Treated as Combatants

For private military company employees to have combatant status, they must either be: (1) members of the armed forces of a party to the conflict under Article 43 of Protocol I; [^4] or (2) part of a militia or volunteer corps satisfying the conditions set out in Article 4A (2) of the Third Geneva Convention, which requires:

(a) that of being commanded by a person responsible for his subordinates;
(b) that of having a fixed distinctive sign recognizable at a distance;
(c) that of carrying arms openly;

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(d) that of conducting their operations in accordance with the laws and customs of war. [^5]

It is difficult to see how private military companies can be considered part of armed forces merely by virtue of a contract, and states generally do not intend to integrate private military companies into their armed forces—often precisely to maintain plausible deniability. Thus, private military company employees do not have combatant status. [^6] In conflicts with many different private companies, opposing forces may be unable to distinguish which armed contractor is a lawful target and which remains a civilian protected from direct attack. This ambiguity is particularly unacceptable in African conflicts, where fragmented battlefields, mixed armed actors, and weak command chains already make identification difficult.

C. Why Private Military Company Personnel Cannot Simply Be Treated as Civilians

At first glance, international humanitarian law pushes most private military company personnel into civilian status. However, it is dangerous to stop the analysis there. Many private military company employees perform guarding, security, convoy protection, site defence, detention, intelligence, and support roles that can quickly become direct participation in hostilities. A contractor guarding a base, pipeline, convoy, or military installation may become a direct participant the moment fighting starts, particularly because the law does not distinguish between offensive and defensive attacks for this purpose. [^7] A contractor labelled as a civilian may thus behave as a fighter without ever receiving combatant obligations or combatant accountability. [^8]

D. Consequences of Ambiguous Legal Status

The ambiguous legal status of private military companies produces several problematic consequences. First, if civilian private military company employees take part in hostilities directly or indirectly, they lose their protection from attacks, yet they do not acquire the corresponding privileges of combatants. Second, a nation's armed forces may attack civilians mistakenly believing them to be private military company employees, thereby committing war crimes and violating international humanitarian law. Third, major questions arise concerning judicial remedies for victims—questions such as against whom such remedies may lie: against private military companies, against their personnel, against the hiring state, or against the home state of the private military company and its personnel. [^9] The prosecution of violations committed by or against private military company personnel is therefore significantly complicated by this legal uncertainty.

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PART II: CHALLENGES IN THE IMPLEMENTATION OF JURISDICTION OF INTERNATIONAL CRIMINAL TRIBUNALS

A. Article 12 of the Rome Statute: Preconditions to the Exercise of Jurisdiction

Article 12 of the Rome Statute imposes significant limitations on the International Criminal Court's jurisdiction. Under Article 12(2), the Court may exercise jurisdiction if one or more of the following States are Parties to the Statute or have accepted jurisdiction under paragraph 3: (a) the State on the territory of which the conduct occurred; or (b) the State of which the person accused of the crime is a national. [^10]

The limitation is clear: non-state actors operating in states that are not parties to the Rome Statute are outside the International Criminal Court's jurisdiction unless a situation is referred to the Court by the United Nations Security Council or the concerned state accepts the Court's jurisdiction under Article 12(3).[^11] This mechanism requires the non-State Party to lodge a declaration with the Registrar accepting the exercise of jurisdiction by the Court with respect to the crime in question. The declaration does not transform the non-State Party into a State Party; rather, it permits ad hoc acceptance of jurisdiction for a specific situation. [^12]

B. Article 25 of the Rome Statute: Individual Criminal Responsibility

Article 25 establishes criminal responsibility for individuals, regardless of whether they are state or non-state actors. A person is criminally responsible if that person: (a) commits the crime as an individual, jointly, or through another person; (b) orders, solicits, or induces the commission of such a crime; (c) aids, abets, or otherwise assists in its commission; (d) contributes to the commission of a crime by a group acting with a common purpose; or (e) directly and publicly incites genocide.[^13]

The limitation is that the International Criminal Court does not hold organizations or groups accountable but rather focuses on individuals. This framework does not directly address the collective nature of crimes committed by non-state actors as groups (e.g., terrorist organizations or armed groups that systematically commit atrocities).[^14] Furthermore, the transnational nature of non-state armed groups makes it unclear if the conflict qualifies as an international armed conflict or a non-international armed conflict, creating confusion about the legal status, obligations, and immunities of non-state armed groups and hence also the law to which they are subject.[^15]

C. Case Study: Al-Shabaab, Somalia, and the International Justice System

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Al-Shabaab has carried out systematic attacks on civilians—bombings, executions, starvation tactics—that could constitute war crimes or crimes against humanity. However, the International Criminal Court has not pursued a comprehensive case against the group's leadership.[^16] This is due to a combination of factors: Somalia is not a State Party to the Rome Statute, and the United Nations Security Council, where the P5 have geopolitical interests, has not referred the situation.[^17] This case illustrates how the jurisdictional limitations of Article 12 can effectively shield non-state actors operating in non-party states from international prosecution, even when they commit mass atrocities.

PART III: UNIVERSAL JURISDICTION

A. Definition

Universal jurisdiction amounts to the claim by a state to prosecute crimes in circumstances where none of the traditional links of territoriality, nationality, passive personality, or the protective principle exists at the time of the commission of the alleged offence, on the basis that the alleged crime is an attack on the fundamental values of the international community. [^18]

B. Existing Application

The legal basis for universal jurisdiction in piracy is primarily established by the United Nations Convention on the Law of the Sea, which explicitly grants states the authority to apprehend and prosecute pirates on the high seas. Article 105 of the United Nations Convention on the Law of the Sea states that any state may seize a pirate ship and arrest the pirates, reinforcing the notion that piracy is a crime that affects all nations. [^19] This precedent demonstrates that universal jurisdiction is not a theoretical concept but a practical mechanism already in operation for certain categories of crimes.

C. Drawbacks and Criticisms

The exercise of universal jurisdiction by one State may infringe the sovereignty and sovereign equality of another State and can be abused, thus destabilizing international relations.[^20] Moreover, the evidence of State practice on "universal concern plus presence" jurisdiction is not yet substantial so as to afford the finding of a customary international law rule in its favour.[^21] These concerns have made universal jurisdiction a subject of heated debate in the United Nations General Assembly since 2009.[^22] However, the persistent impunity faced by non-state armed groups and private military company personnel suggests

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that the potential benefits of a carefully circumscribed universal jurisdiction framework warrant serious consideration.

PART IV: CHALLENGES RELATED TO EVIDENCE GATHERING

A. Inaccessibility of Conflict Zones

Non-state armed groups are often located in remote, unstable, and highly dangerous areas where investigators cannot operate safely. Due to active hostilities, investigators are frequently not allowed to enter armed conflict areas for weeks, and when they are finally given clearance, the evidence may have degraded, and witnesses may refuse to give testimonies due to safety risks and trauma. [^23]

Moreover, one of the modus operandi of non-state armed groups is quick mobility and the use of civilian infrastructure as cover, which enables them to change locations easily, making it difficult to pinpoint their locations without a statistical and monitoring framework. In addition, when non-state armed groups have territorial occupation, entering these locations is itself a major challenge, making evidence collection virtually impossible. [^24]

PART V: PROPOSED SOLUTIONS

A. Strengthening Evidence Gathering Mechanisms

To strengthen data and evidence gathering mechanisms, the Strategy for the Harmonization of Statistics in Africa (SHaSA 2) can be utilized to develop a continental statistical framework to identify the regions where non-state armed groups operate. Under the SHaSA 2 framework, Strategic Objective 2.1 mandates the establishment of effective coordination and collaboration mechanisms, while Strategic Objective 4.1 mandates driving evidence-based decisions through the increased use of statistics. [^25]

The Continental Early Warning System, established under Article 12 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, is designed to facilitate the anticipation and prevention of conflicts in Africa. [^26] The Continental Early Warning System is charged with collecting and analysing data, with a "Situation Room" in the Conflict Management Directorate under the Peace and Security Department. The Situation Room is theoretically connected to the observation and monitoring units of sub-regional mechanisms to share information on impending conflicts with the Peace and Security Council. By using the observation and monitoring unit under the Continental Early Warning System, inputs from the Strategy for the Harmonization of Statistics in Africa on the activity of non-

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state armed groups can be received and subsequently used to collect on-ground data. [^27]

It is also necessary to dedicate a unit within the African Standby Force to assist the Continental Early Warning System on the ground, keeping in mind the security risks conflict-prone areas pose. Article 13 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union mandates the African Standby Force to perform functions in observation and monitoring missions and other types of peace support missions. Additionally, the African Standby Force can cooperate with the United Nations and its Agencies, other relevant international organizations, regional organizations, as well as with national authorities and non-governmental organizations. [^28]

B. Mandating Accountability for Private Military Companies

Although not much can be done about the legal status of private military companies in the immediate term, measures can be taken to ensure private military companies have humanitarian obligations that apply uniformly to all. One way of making human rights legally binding is to write human rights obligations directly into contracts concluded with these companies, or to write human rights obligations into the licensing or regulatory scheme under which private military companies are incorporated. [^29]

The International Code of Conduct for Private Security Service Providers is a set of principles for private military and security providers. The code reinforces and defines the obligations of private security providers, particularly concerning international humanitarian law and human rights law. [^30] The code also has a governance and oversight partner: the International Code of Conduct Association. To promote peace, security, and stability, and to make human rights obligations binding, membership in the International Code of Conduct can be made a mandatory requirement for private security companies to be hired by African Union agencies by amending the African Union procurement guidelines.

The International Code of Conduct itself references the Montreux Document and the United Nations "Respect, Protect, Remedy" framework, which are recognized internationally. [^31] The African Union's 2014 Policy Framework on Security Sector Reform already discourages the use of private military companies and urges conformity with international and regional regulations. [^32]

C. Legal Basis for Mandatory Codes of Conduct

The United Nations Convention against Corruption provides the authority to mandate a binding code of conduct in procurement. Article 8(2) of the United Nations Convention against

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Corruption provides that each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable, and proper performance of public functions. [^33] Article 9 requires each State Party to take the necessary steps to establish appropriate systems of procurement based on transparency. [^34]

Additional legal basis is found in the Constitutive Act of the African Union, Article 4 (Principles), and the African Union Convention on Preventing and Combating Corruption. Article 2(1) of the African Union Convention on Preventing and Combating Corruption requires State Parties to promote and strengthen the development in Africa of mechanisms required to prevent, detect, punish, and eradicate corruption and related offences in the public and private sectors. [^35]

D. Existing African Union Mechanisms for Audit and Adherence

The African Peer Review Mechanism serves as a voluntary self-monitoring instrument that fosters the adoption of policies, standards, and practices leading to political stability, high economic growth, sustainable development, and accelerated regional and continental economic integration. [^36] The National Governing Council in every member state can also review the establishment and implementation of the code.

The African Union Advisory Board Against Corruption has the mandate to promote and encourage the adoption of measures and actions by State Parties to prevent, detect, punish, and eradicate corruption and related offences in Africa, as well as to follow up on the application of those measures and submit a report to the Executive Council on a regular basis on the progress made by each State Party. [^37]

E. Oversight Mechanism

The Executive Council is mandated to monitor the implementation of policies formulated by the Assembly. [^38] Verifying adherence to the mandatory International Code of Conduct and receiving reports from implementing mechanisms like the African Peer Review Mechanism and African Union Advisory Board Against Corruption already falls within the mandate of the Executive Council. Reports should be submitted on an annual basis.

F. Monitoring Body

The Committee of Directors General of National Statistics Offices, as a Board of Directors, will monitor the full implementation of the SHaSA 2 Strategy and formulate recommendations for improved implementation and results. [^39]

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CONCLUSION

The prosecution of non-state armed groups remains one of the most significant challenges facing international criminal justice and African peace and security mechanisms. The ambiguous legal status of private military companies, combined with jurisdictional limitations under the Rome Statute, evidentiary obstacles in conflict zones, and the controversial nature of universal jurisdiction, creates a patchwork of accountability gaps. This analysis has proposed a multi-pronged approach: strengthening evidence gathering through the Strategy for the Harmonization of Statistics in Africa and the Continental Early Warning System; mandating accountability for private military companies through procurement requirements tied to the International Code of Conduct; and re-opening discussion on the scope of universal jurisdiction. These measures, while not exhaustive, represent pragmatic steps toward closing the impunity gap for non-state actors operating in African conflicts. The path forward requires continued collaboration between the African Union, its Member States, regional mechanisms, and international partners to ensure that justice reaches those who commit atrocities, regardless of their legal classification.

FOOTNOTES

[^1]: Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 UNTS 3, art 47. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-additional-geneva-conventions-12-august-1949-and

[^2]: International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 4 December 1989, 2163 UNTS 75, arts 1-2; Organization of African Unity Convention for the Elimination of Mercenarism in Africa, 3 July 1977, OAU Doc. CM/817 (XXIX) Annex II, Rev.1, art 1.

[^3]: See generally Sarah Percy, *Regulating the Private Security Industry* (Routledge 2006) 45-67.

[^4]: Protocol I (n 1) art 43. Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-additional-geneva-conventions-12-august-1949-and

[^5]: Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention), 12 August 1949, 75 UNTS 135, art 4A (2). Available at: https://www.ohchr.org/en/protecting-human-rights-conflict-situations/international-standards

[^6]: Nigel D White, 'The Legal Status of Private Military Contractors' in Simon Chesterman

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and Chia Lehnardt (eds), *From Mercenaries to Market: The Rise and Regulation of Private Military Companies* (Oxford University Press 2007) 105.

[^7]: International Committee of the Red Cross, *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law* (ICRC 2009) 46-50. Available at: https://casebook.icrc.org/case-study/icrc-interpretive-guidance-notion-direct-participation-hostilities

[^8]: See generally Laura A Dickinson, 'Privatization and Accountability' (2005) 100 *American Society of International Law Proceedings* 73.

[^9]: Chia Lehnardt, 'Private Military Companies and State Responsibility' in Chesterman and Lehnardt (n 6) 140-42.

[^10]: Rome Statute of the International Criminal Court, 17 July 1998, 2187 UNTS 3, art 12. Available at: https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf

[^11]: ibid art 12(3). Available at: https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf

[^12]: William A Schabas, *An Introduction to the International Criminal Court* (4th edn, Cambridge University Press 2011) 112-15.

[^13]: Rome Statute (n 10) art 25. Available at: https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf

[^14]: See generally Cedric Ryngaert, 'The International Criminal Court and Non-State Armed Groups' (2008) 6 *Journal of International Criminal Justice* 763.

[^15]: Andrew Clapham, 'The Rights and Responsibilities of Non-State Armed Groups under International Law' in Clapham (ed), *Human Rights and Non-State Actors* (Edward Elgar 2013) 156-58.

[^16]: Human Rights Watch, *No One Is Safe: The Impact of Al-Shabaab's Attack on Garissa University* (HRW 2015) 12-15.

[^17]: See generally Payam Akhavan, 'The Lord's Resistance Army Case: Uganda's Submission of the First Referral to the International Criminal Court' (2005) 99 *American Journal of International Law* 403.

[^18]: Princeton University Program in Law and Public Affairs, *The Princeton Principles on Universal Jurisdiction* (Princeton University 2001) 28-30. Available at: https://www.icj.org/wp-content/uploads/2001/01/Princeton-Principles-Universal-Jurisdiction-report-2001-eng.pdf

[^19]: United Nations Convention on the Law of the Sea, 10 December 1982, 1833 UNTS 3, art 105. Available at:

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https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

[^20]: See generally Luc Reydams, *Universal Jurisdiction: International and Municipal Legal Perspectives* (Oxford University Press 2003) 145-48.

[^21]: Kenneth C Randall, 'Universal Jurisdiction under International Law' (1988) 66 *Texas Law Review* 785, 812-15.

[^22]: UNGA, 'Report of the Secretary-General on the Scope and Application of the Principle of Universal Jurisdiction' (23 March 2010) UN Doc A/64/516. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/64/516

[^23]: Human Rights Watch, *Lessons Learned: The International Criminal Court's Investigation in Darfur* (HRW 2007) 20-22.

[^24]: International Centre for Transitional Justice, *Challenges to Evidence Collection in Conflict Zones* (ICTJ 2012) 8-12.

[^25]: African Union Commission, *Strategy for the Harmonization of Statistics in Africa (SHaSA 2) * (AUC 2018) Strategic Objectives 2.1, 4.1. Available at https://au.int/sites/default/files/documents/36370-doc-shasa_2_strategy_english.pdf

[^26]: Protocol Relating to the Establishment of the Peace and Security Council of the African Union, 9 July 2002, art 12. Available at: https://au.int/sites/default/files/treaties/37187-treaty-0025_-_protocol_on_the_establishment_of_the_peace_and_security_council_of_the_african_union_e.pdf

[^27]: Solomon A Dersso, 'The Peace and Security Council of the African Union and the Peace and Security Architecture' in Dersso (ed), *The Peace and Security Council of the African Union* (Pretoria University Law Press 2010) 23-26.

[^28]: Protocol Relating to the Establishment of the Peace and Security Council (n 26) art 13. Available at: https://au.int/sites/default/files/treaties/37187-treaty-0025_-_protocol_on_the_establishment_of_the_peace_and_security_council_of_the_african_union_e.pdf

[^29]: See generally Andrea Boggio and Kimberly A Davis, 'The Human Rights Obligations of Private Military Companies' (2010) 24 *Emory International Law Review* 23.

[^30]: International Code of Conduct for Private Security Service Providers, 9 November 2010, preamble. Available at: https://icoca.ch/the-code/

[^31]: ibid art 2. Available at: https://icoca.ch/the-code/

[^32]: African Union, *Policy Framework on Security Sector Reform* (AU 2014) paras 46-48. Available at: https://au.int/sites/default/files/documents/31028-doc-

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au_policy_framework_on_security_sector_reform.pdf

[^33]: United Nations Convention against Corruption, 31 October 2003, 2349 UNTS 41, art 8(2). Available at: https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

[^34]: ibid art 9. Available at: https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

[^35]: African Union Convention on Preventing and Combating Corruption, 11 July 2003, 43 ILM 5, art 2(1).

[^36]: African Union, *African Peer Review Mechanism Base Document* (AU 2002) para 8.

[^37]: African Union Convention on Preventing and Combating Corruption (n 35) art 22.

[^38]: Constitutive Act of the African Union, 11 July 2000, 2158 UNTS 3, art 10.

[^39]: SHaSA 2 (n 25) Governance Framework. Available at: https://au.int/sites/default/files/documents/36370-doc-shasa_2_strategy_english.pdf